

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
JULY 23, 2020
HELD ONLINE VIA ZOOM APPLICATION

Commission Members Present: Michael Timmons, William McFarland, James Kelley, Jr., Edward Kelleher, and Richard Shiers

Commission Members Absent: None.

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, Joy Bonenfant, Miles Greenleaf, Jaime Wood, and Zachary Matzkin

1. **Call the Meeting to Order and Introductions:** William McFarland, Pro tem
Commissioner Timmons joined at 1:32 p.m.

2. **Adjudicatory Hearings:**

RE: Reopening of the 2020 Race Date Assignment Hearing: The Executive Director filed notice of reopening the 2020 race date assignment hearing for the purpose of revisiting the 2020 race date awards in light of the impacts that COVID-19 pandemic is having on Maine's racetracks. At this time, no specific requests have been made. Commissioner Shiers made a motion they reopen the 2020 Race Dates. Commissioner McFarland seconded. AAG, Guay called the roll.

RECORD OF ROLL CALL VOTE

Motion:

Reopen the 2020 Race Date Proceedings to Change Race Dates for the Month of July and August 2020 and Reauthorize Race Meets.

This order is verbally adopted and effective upon call of the roll.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

- A. **Vacating of 2020 Dates that Racetracks Do Not Intend to Use.** Per the procedural order issued by Hearing Officer Guay on July 16, 2020, licensed Maine racetracks that were awarded 2020 race dates, and that no longer intend to use them, have been alerted that the awarded dates may be vacated unless the licensed racetrack file an objection by 4:00 PM on July 20, 2020. AAG, Guay stated the Commission has decided that they're meeting frequently and reallocating race dates. He subsequently to the last meeting he issued a procedural order to all the parties and the Commissioners aren't aware of that that's why he's

putting it on the record. In the procedural order required that any agricultural society that wished to object to the vacating of their dates to do so by Monday of this week to do so. He did not receive any objections to the dates being vacated. Moreover, he's going to take some brief testimony from Mr. Jennings when they get to the evidence. Is there anybody on this call object to him being the hearing officer. There were none. Are there any objections to this proceeding by any party up to this time? There were none. He gave Mr. Jennings his oath. He asked Mr. Jennings if he and his staff have the opportunity to contact all the agricultural fairs as to their desire or willingness to vacate their race dates. Mr. Jennings stated they did that because he was concerned that they may not have seen the email and that timeline was pretty tight. AAG, Guay asked if they were able to reach all the fair associations. Mr. Jennings stated yes, between him and Mr. Greenleaf called all 8 and inquired whether or not they object to vacating their dates. AAG, Guay asked Mr. Jennings if any of the fair associations verbally object to vacating their race dates. Mr. Jennings stated no. AAG, Guay stated there was no one wishing to intervene. Commissioner Shiers moved the motion. AAG, Guay called the roll.

RECORD OF ROLL CALL VOTE

Motion:

Commission authorizes race dates to be changed as follows:

Race dates awarded to the Agricultural Associations in 2020 are relinquished.

This order is verbally adopted and effective upon call of the roll.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

- B. Awarding of Dates for July and August of 2020 that Differ from the Original Award.** The Commission may amend the 2020 race date calendar to accommodate any licensed Maine racetrack willing to sponsor live racing during July and/or August.

AAG, Guay asked if either Scarborough Downs or Bangor Historic Track wish to ask for dates in August at this point. Hearing none. Then he will continue the hearing until Tuesday, July 28, 2020 to consider awarding of dates to Commercial Tracks in August. He closed the hearing.

- 3. Request to Provide Temporary Cost Support Assistance to Bangor Historic Track.** Bangor Historic Track has been laying the groundwork to conduct some live racing in 2020. While the schedule remains uncertain to date, Bangor Historic Track has inquired about potential operational cost support to help off-set the increased costs of running a harness racing meet during the pandemic in light of the restrictions that are currently in place on public facing businesses. The Department has conducted extensive analysis of its projected

costs and revenue for the remainder of 2020 and reached the conclusion that it is reasonable/sustainable to offer \$2,500 in operational cost support per race day to any licensed Maine racetrack that is willing to operate during July or August of 2020. Mr. Jennings stated he would like to amend the request to any Commercial Track willing to race in August to the tune of \$2,500 per race day. That figure is based on an assessment of the Commission's budget as it stands today. Commissioner Kelley moved the motion. Commissioner Kelleher seconded. AAG, Guay called the roll.

RECORD OF ROLL CALL VOTE

Motion:

Commission Authorizes the Provision of Temporary Cost Support Assistance of \$2,500 per Race Day for any track awarded race dates in August of 2020.

Commissioners:

Michael Timmons	YEA
William McFarland	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
Edward Kelleher	YEA

Motion passed 5-0.

Dated July 23, 2020

4. **Updates/Discussion of the 2020 Racing Plans.** There will be a general discussion of current thinking/plans for both overnight and Sire Stakes racing for the 2020 season. Mr. Jennings stated the horsemen have an idea to try to get racing sooner. Michael Cushing representing the Maine Harness Horsemen's Association and a few directors of the Maine Standardbred Breeders and Owner's Association stated for the month of August only they established racing for any track that would take them up on this proposal \$75.00 entry fee for horses that receive purse money in a dash go to host track that hosted races to offset racing cost. AAG, Guay stated they can adopt a rule that would allow the associations to come to the Commission and ask for authority to charge a fee. After a brief discussion, AAG, Guay presented a proposal to Chapter 7 Racing. Mr. Cushing stated that the general membership of horsemen during that time of such a contract that the base purse is a minimum of \$3,500. Commissioner Timmons stated they need an answer soon on dates for Bangor. Chris McErlean stated they are working on that. Denise Terry stated they are ready and able to race in August and are working on getting to the \$8,000 a day for operation. Commissioner Kelley asked if the rule proposal that AAG, Guay presented would apply to the Sire Stakes too. AAG, Guay stated yes it would apply to both. The Commissioners all agreed to support getting the Sire Stakes racing. Mr. Jennings stated they need to clean up the calendar today at least the first half of August. He stated he thinks they need to race on August 3, 2020. Mr. Sweeney stated 2 weeks out is way to short. If there is a way for this plan to work, they need to get the Sire Stakes Schedule up and running. AAG, Guay asked if Scarborough would commit to dates without having fees authorized by the Commission. Ms. Terry stated Scarborough won't commit to racing unless the fees are authorized. Mr. Jennings stated if the horsemen can reach a private agreement with the track. AAG, Guay stated either the Commission is going to drive this or they're not. If people want it and they come up with an agreement and come to the Commission next week. You need to set deadlines. If they don't set up an agreement, then the Commission is going to act.

5. Other Business

None.

6. Public Comment

None.

7. Schedule of Future Meetings:

July 28, 2020

8. Adjourn

Commissioner Shiers made a motion to adjourn. Commissioner Kelley seconded.
3:15 p.m.